

Hearing Date: April 28, 2021 at 9:30AM (Atlantic Standard Time)

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, *et al.*
Debtors.¹

PROMESA
Title III

NO. 17-BK-3283 (LTS)

(Jointly Administered)

**CONSENTED MOTION WITHDRAWING RESPONSE AND RESERVATION OF
RIGHTS IN CONNECTION WITH TWO HUNDRED NINETY-EIGHTH OMNIBUS
OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF PUERTO RICO
TO SUBSEQUENTLY AMENDED CLAIMS**

TO THE HONORABLE COURT:

COMES NOW creditor Baxter Sales and Distribution Puerto Rico Corp. (“Baxter Sales”),
through the undersigned counsel, and respectfully states and prays as follows:

1. On June 29, 2018 Baxter Sales filed a timely proof of claim (“POC”) against debtor
the Commonwealth of Puerto Rico (the “Commonwealth”) in the amount of \$3,259,294.09. *See*
POC No. 111825.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566- LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

2. On December 3, 2020, counsel for the Financial Oversight and Management Board (“FOMB”), acting on behalf of the debtors in the case of caption represented to Baxter Sales that the following entities listed in the table above were **NOT** debtors in the consolidated Title III cases brought pursuant to the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), 48 U.S.C. §2101, *et seq.*:

- a. Centro Médico de Río Piedras/Administración de Servicios Médicos
- b. Hospital UPR Dr. Trilla
- c. Centro Cardiovascular

3. On the other hand, the Corp. Fondo del Seguro del Estado (“State Insurance Fund Corporation”) is a public corporation with its own judicial personality (just like the Puerto Rico Electric Power Authority for example), which has not filed for bankruptcy under Title III.

4. In light of the foregoing, on January 21, 2021 Baxter Sales filed POC No. 179024 in order to amend POC No. 111825 and remove the claims against the non-debtor entities listed above.

5. On March 12, 2021 the Commonwealth and other debtors filed their two hundred ninety-eighth (298th), non-substantive, omnibus objection to subsequently amended claims. Docket No. 16018 (the “Objection”)

6. The purpose of this Objection is to disallow claims that have been superseded by a subsequent POC filed in the Title III cases. *Id.* at 5, ¶12. Should the Objection be granted, POC No. 111825 would be disallowed and POC No. 179024 would remain. *See* Docket No. 16018-1 at 2.

7. On April 13, 2021, Baxter Sales filed a response and reservation of rights in connection with the Objection (the “Response”). In its response, Baxter Sales stated that it did not

have an objection to the disallowance of POC No. 111825 **as long as the Commonwealth, through the FOMB or otherwise, confirmed to this Court that the entities listed in paragraph 2(a-c) of this response, *supra*, and the State Insurance Fund Corporation are indeed NOT debtors in any of the pending Title III cases.**

8. On April 21, 2021, the FOMB filed a Reply to Baxter Sales' Response (the "Reply"). Docket No. 16513. In its Reply, the FOMB expressly stated as follows: "Neither Administración de Servicios Médicos, Hospital UPR de Trilla, Centro Cardiovascular, and Corporación Fondo del Seguro del Estado are, in fact, debtors in any Title III Case." *Id.* at page 5, paragraph 9.

9. In light of said written representation, Baxter Sales hereby withdraws its Response to the Objection, with the effect that POC No. 111825 would be disallowed and POC No. 179024 would remain.

WHEREFORE, Baxter Sales respectfully requests that the Court allow it to withdraw its Response and excuse the appearance of the undersigned from the hearing scheduled for April 28, 2021. Counsel for the FOMB has reviewed this motion and does not object to the relief requested hererin.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of April, 2021.

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to all counsel of record.

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